



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

fictitious use of language to cases of express malice, the principal case departs from a uniform course of the authorities, all of whom require, in torts involving malice, the *intentional* infliction of injury upon another. *Beekman v. Marsten*, 195 Mass. 205, 212; *Mfg. Co. v. DeWitt*, 120 Md. 381; *Joyce v. Ry. Co.*, 100 Minn. 225; *Schonwald v. Ragains*, 32 Okl. 223.

C. R. W.

WAR-TRADING WITH THE ENEMY—CIVILIAN PRISONER OF WAR—INTERNMENT OF ALIEN ENEMY WITHIN REALM—DEPRIVATION OF CIVIL RIGHTS.—SCHAFFENIUS V. GOLDBERG, 113 L. T. (ENG.) 949.—*Held*, that the restraint imposed on the movements of an alien enemy by his internment does not make him an alien *ex lege*, thus depriving him of the civil rights he possessed theretofore.

On the breaking out of war, neutrals and the citizens of the opposing belligerent country are generally allowed a reasonable time to withdraw. *The Sarah Starr*, Blatch. Pr. Ca. 650. This provision has also been inserted in many treaties between countries. At once there is an entire cessation of all commercial intercourse with the opposing hostile country, except in case of *commencia belli*, unless by permission of the sovereign power. *Esposito v. Bowden*, (1857) 7 E. & B. 762; *The Hoop*, 1 Rob. Rep. Adm. 196. However, permission may be given to the subjects of the enemy to remain, and if given, they may enjoy their property. West. Int. Law. Vol. II, p. 42. In the enforcement of his civil rights such an alien enemy is treated as if a subject of the country in which he is, notwithstanding that at the same time he is the subject of an enemy, but he cannot enforce his rights for the benefit of the enemy. *Janson v. Dreifonstein Cons. Mines*, (1902) Appeal Cases, H. L. 484. The test is not a person's nationality, but his place of business. *McConnell v. Hector*, 3 B. & P. 113. If the alien enemy is residing in his own country his right to sue in the courts of the opposing country is suspended, by the latter, during the war. *Howes, Hyatt & Co. v. Chester & Co.*, 33 Ga. 89; *Bell v. Chapman*, 10 Johns. 183; *Wilcox v. Henry*, 1 U. S. (Dallas) 69. But if he is sued he may avail himself of all means and appliances of defense. *McVeigh v. U. S.*, 11 Wall. 259; *Albrecht v. Sussman*, 2 V. & B. 322. An alien enemy residing in the United States by permission is competent to maintain a personal action. *Otteridge v. Thompson*, Fed. Cas. No. 10, 618; *Clarke v. Morey*, 10 Johns. 69; and the same is held in England regarding alien enemies residing there. *Sparenburgh v. Bannatyne*, 1 B. & P. 163. So it was held that an alien who had complied with the Aliens Restriction Act, 1914, 4 & 5 Geo. 5 c. 12, might have access to the courts. *Princess Thurn & Taxis v. Moffitt*, (1915) 1 Ch. 58. Accordingly the principal case rightly holds that as long as he is permitted to remain in England with the permission of the Crown he is under its protection and should be permitted to exercise his civil rights. His internment cannot of itself be considered to have abridged them by implication, inasmuch as there was no express enactment to that effect.

J. McD.